

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c)	
Brian C. Nicholas Esquire	
KML Law Group, P.C.,	
A Professional Corporation incorporated in	
Pennsylvania	
701 Market Street, Suite 5000	
Philadelphia, PA 19106	
ATTORNEYS FOR Secured Creditor	
HSBC BANK USA, NATIONAL ASSOCIATION, AS	
TRUSTEE FOR THE CERTIFICATEHOLDERS OF	
THE MLMI TRUST, MORTGAGE PASS-THROUGH	
CERTIFICATES, MLMI SERIES 2006-AF1	
In Re:	Case No.: <u>23-13890 SLM</u>
Tracy L. Doran	Chapter: # <u>7</u>
Debtor(s).	Hearing Date: July 25, 2023 at 10:00 AM
	Judge: <u>_ Stacey L. Meisel</u>
	Oral Argument [requested/waived]

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY

HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE MLMI TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, MLMI SERIES 2006-AF1 (“Movant”) hereby moves this Court for relief from the automatic stay, pursuant to 11 U.S.C. § 362, with respect to certain real property of the Debtor(s) having an address of 8 ABBOTT DRIVE TOWNSHIP OF JEFFERSON, NJ 07849-1129 (the “Property”), for all purposes allowed by the Note (defined below), the Mortgage (defined below), and applicable law, including but not limited to the right to foreclose.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to vacate the automatic stay as it relates to the property commonly known as 8 ABBOTT DRIVE TOWNSHIP OF JEFFERSON, NJ 07849-1129, currently owned by the debtor(s) and made part of this bankruptcy, or if you want the court to consider your views on the motion, then on or before **July 10, 2023**, you or your attorney should complete the steps described in (a) and (b) below:

- (a) File with the court a written request for a hearing, and an answer explaining your position at: United States Bankruptcy District of New Jersey (Newark), 50 Walnut Street 3rd fl. Newark, NJ 07102. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must also mail a copy to the following:

<p>Brian C. Nicholas Esquire KML Law Group, P.C., A Professional Corporation incorporated in Pennsylvania 701 Market Street, Suite 5000 Philadelphia, PA 19106 ATTORNEYS FOR MOVANT,</p> <p>HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE MLMI TRUST, MORTGAGE PASS- THROUGH CERTIFICATES, MLMI SERIES 2006-AF1</p>	<p>Donald V. Biase Donald V. Biase, Chapter 7 Trustee PO Box 646 Essex Fells, NJ 07021 973-618-1008</p>
---	--

- (b) Attend the hearing scheduled for **July 25, 2023, at 10:00 AM** in **Courtroom 3A** of the: United States Bankruptcy District of New Jersey (Newark), 50 Walnut Street 3rd fl. Newark, NJ 07102

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection, and may enter an order granting that relief.

The facts and circumstances supporting this Motion are set forth in the Certification in Support of Motion for Relief from Stay filed contemporaneously herewith (the “Certification”). Movant seeks relief from the automatic stay for the following reasons:

1. Movant's interest in the Property is not adequately protected.
2. Movant's interest in the collateral is not protected by an adequate equity cushion.
3. The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect Movant's interest against that decline.
4. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has no equity in the Property; and pursuant to 11 U.S.C. § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

Movant requests the following relief:

- (a) Relief from the stay for all purposes allowed by the Note, the Mortgage, and applicable law, including but not limited allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
- (b) That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- (c) For such other relief as the Court deems proper.

Statement of Non-Necessity of Brief: The Movant certifies pursuant to D.N.J. LBR 9013-2 that the within motion involves common questions of law and fact and does not involve complex or novel issues such as to require the submission of a legal brief.

Date: June 26, 2023

/s/ Brian C. Nicholas
Brian C. Nicholas, Esquire
Attorney for Movant